



State of New Jersey

RICHARD J. CODEY
Acting Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
OFFICE OF THE INSURANCE FRAUD PROSECUTOR
PO Box 094
TRENTON, NJ 08625-0094
TELEPHONE: (609) 896-8888

VAUGHN L. MCKOY
Director

PETER C. HARVEY
Attorney General

GRETA GOODEN BROWN
Insurance Fraud Prosecutor

MEMORANDUM

TO: All County Prosecutors
Col. Joseph R. Fuentes, Superintendent, Division of State Police
All County and Municipal Police Chiefs

FROM: Peter C. Harvey
Attorney General

SUBJECT: Temporary Evidence of Automobile Insurance Coverage

DATE: December 23, 2004

Recent regulatory changes by the Department of Banking and Insurance, the State agency responsible for regulating the issuance, design and content of the insurance identification cards issued by insurance companies to policyholders, may impact the enforcement of the statutory proof of insurance requirements of N.J.S.A. 39:3-29, *et seq.*, by local law enforcement officers. This memorandum is intended to provide guidance to all police agencies charged with enforcing Title 39 violations.

Current regulations require the incorporation of certain anti-counterfeiting security features in both temporary and permanent automobile insurance identification cards. See N.J.A.C. 11:3-6.2, *et seq.* However, in some cases, persons may apply for and immediately obtain automobile insurance coverage without, at the same time, receiving either a temporary or permanent automobile insurance identification card conforming to the requirements of N.J.A.C. 11:3-6.2, *et seq.* This may occur, for instance, where an insured obtains coverage by means of a transaction conducted online or over the telephone. The requisite security features, by their very nature, cannot be transmitted or reproduced on a document obtained by facsimile (telecopier) or downloaded from the Internet.

Consequently, where a driver has obtained legitimate automobile insurance coverage through an online or telephonic transaction, that driver may temporarily be without an automobile insurance



identification card conforming to applicable regulations, despite being validly insured. Typically, where an insured has obtained valid insurance by virtue of an online or telephonic transaction, the insured must await the mailing of the temporary or permanent automobile insurance identification card which incorporates the required anti-counterfeiting security feature(s).

To address this potential delay with respect to the insured's possession of the statutorily required proof of insurance, the Department of Banking and Insurance has issued an official bulletin (Bulletin No. 04-21) to all New Jersey private passenger automobile insurers permitting them, upon the binding of insurance coverage, to issue a "Temporary Evidence of Automobile Insurance" document that can be provided by e-mail, fax or download. Pursuant to the Bulletin, this document may only be relied upon by the policyholder until the policyholder receives a temporary or permanent insurance identification card. It may not, thereafter, be used by an insured as a substitute for the insurance identification card required by N.J.A.C. 11:3-6, nor may it be relied upon at any time in connection with the inspection of a vehicle at a Motor Vehicle Commission or private facility.

To ensure that the insurance coverage evidenced by the temporary document may be verified by law enforcement officers, the Bulletin requires that any insurer issuing such documents provide a means to verify the underlying insurance coverage by telephone 24 hours a day, seven days a week. The Bulletin further requires that the "Temporary Evidence of Automobile Insurance" document contain the following information:

1. The information required by N.J.A.C. 11:3-6.2(a)3i-iii, v, vi, ix and N.J.A.C. 11:3-6.2(a)4 consisting of:
 - the insurance company name, code and address;
 - the insured's name and address;
 - the effective and expiration dates of the policy; and
 - a description of the vehicle, including the complete VIN;
2. The policy number or binder number, whichever is available;
3. An expiration date for the temporary insurance document that provides sufficient time for the permanent insurance identification cards to arrive in the mail but no longer than 20 days;
4. The telephone number where coverage may be verified; and
5. A statement that the "Temporary Evidence of Automobile Insurance" document is not an insurance identification card and should be destroyed upon receipt of the permanent identification card.

Consistent with Department of Banking and Insurance Bulletin No. 04-21, and subject to

appropriate verification by a law enforcement official who requires a motorist to exhibit proof of automobile insurance, the “Temporary Evidence of Insurance” document may be accepted as satisfying the statutory requirements for possession of an insurance identification card pursuant to the provisions of N.J.S.A 39: 3-29. As indicated above, such verification may be obtained by calling the telephone number listed for that purpose on the document.